

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 11-5137**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

LOUIS A. BROWN,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. Robert E. Payne, Senior District Judge. (3:11-cr-00057-REP-1)

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Submitted: July 19, 2012

Decided: July 23, 2012

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Before DUNCAN, AGEE, and WYNN, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Michael S. Nachmanoff, Federal Public Defender, Frances H. Pratt, Mary E. Maguire, Assistant Federal Public Defenders, Richmond, Virginia, for Appellant. Stephen David Schiller, Assistant United States Attorney, Richmond, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Louis A. Brown appeals his conviction and 240-month sentence following his guilty plea, pursuant to a written plea agreement, to distribution of cocaine base, in violation of 21 U.S.C. § 841(a)(1) (2006). On appeal, Brown's counsel filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), asserting that there are no meritorious grounds for appeal but questioning whether Brown's waiver of appellate rights was valid and enforceable. Brown filed a pro se supplemental brief in which he argued that trial counsel was ineffective and that the district court erred by sentencing him as a career offender, enhancing his offense level for obstruction of justice, and denying him a downward adjustment for acceptance of responsibility. Finding no error, we affirm.

The sole issue counsel raised in the Anders brief is whether Brown's waiver of appellate rights is valid and enforceable. However, we decline to sua sponte enforce the waiver because the Government has not sought to do so. See United States v. Blick, 408 F.3d 162, 168 (4th Cir. 2005) (citing United States v. Brock, 211 F.3d 88, 90 n.1 (4th Cir. 2000)). After considering Brown's pro se claims that relate to alleged errors by the district court and reviewing the record in this case in accordance with Anders, we have found no meritorious issues for appeal. We decline to consider Brown's

ineffective assistance of counsel claims in this appeal. See  
United States v. Powell, 680 F.3d 350, 359 (4th Cir. 2012)  
(proceeding standard).

We therefore affirm the district court's judgment. This court requires that counsel inform Brown, in writing, of his right to petition the Supreme Court of the United States for further review. If Brown requests that a petition be filed, but counsel believes that such a petition would be frivolous, counsel may move in this court for leave to withdraw from representation. Counsel's motion must state that a copy thereof was served on Brown. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED